

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

Flava Works, Inc.,

Plaintiff,

v.

**John Does 1 to 293, Michaela Williams,
etc al.**

Defendant.

Case No. 1:12-cv-07869

AFFIDAVIT OF PHILLIP BLEICHER IN SUPPORT OF DAMAGES

I, Phillip Bleicher, the CEO of Flava Works, Inc., a resident of Illinois, being over the age of eighteen years old and am otherwise *sui juris*, have personal knowledge of the facts herein and attests as follows:

1. Plaintiff is a corporation that produces adult entertainment in the form of DVDs, magazines, websites, pictures, streaming video and various other media. Plaintiff distributes its adult entertainment through various distributors and licensees, as well as through its websites: www.CocoDorm.com, www.Mixitupboy.com, www.RawRods.com, and www.ThugBoy.com, among others.

2. Plaintiff is recognized nationally and internationally as a leader in the field of production and distribution of adult entertainment due, in large part, to the goodwill and name recognition associated with its trademarks, as well as the high quality content that is associated with its copyrighted material.

3. Plaintiff has applied for or has registered various copyrights for its works, including the works that were infringed on in this case. See attached as Exhibit A, Copyrights.

4. On information and belief, Defendants infringed on the Flava Works' copyrighted full

length videos of the Plaintiff:

<u>VIDEO</u>	<u>COPYRIGHT REGISTRATION NUMBER</u>	<u>EFFECTIVE DATE OF COPYRIGHT REGISTRATION</u>
Thugboy V11 – Running from the Dick	PA-1-748-147	August 12, 2011

5. Plaintiff used BitTorrent application software to monitor and capture in real time the BitTorrent-based swarm involved in distributing the aforesaid video.

6. Defendants' IP addresses identifying each Defendant and the date and of each Defendant was captured. See attached as Exhibit B, IP Addresses.

7. On information and belief, Defendants downloaded, shared, copies, and/or reproduced Plaintiff's copyrighted work via BitTorrent technology.

8. Defendants were members of a private members-only website called Gay-Torrents.net. In order to become a member, you must first share copyrighted adult content, once you share this content, you are invited to join.

9. On information and belief, Defendant distributed the above-mentioned files by making them available on websites via peer to peer technology. See attached as Exhibits C, Screenshots of a websites where files of these copyrighted videos were being distributed.

10. On information and belief, several of Plaintiff's copyrighted videos were found on a website called gay-torrents.net using peer to peer technology to make copies of movies. In this case, the copyrighted video being copied would actually reside on the computer of the person who is distributing the video.

11. On information and belief, Plaintiff's copyrighted videos were viewed at least 655 times and uploaded and downloaded at least 158 times by third parties on Gay-Torrents.Net as of

August 29, 2012.

12. As a result of Defendant' conduct, third parties were able to download the copyrighted videos, without permission of Flava Works.

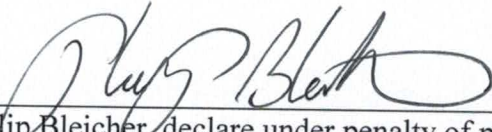
13. Defendant's conduct was committed willfully.

14. Plaintiff elects to recover, instead of actual damages and profits, an award of statutory damages for all infringements involved in the action, with respect to any one work, for which any one infringer is liable individually, or for which any two or more infringers are liable jointly and severally, in a sum of not less than \$750 or more than \$30,000 as the court considers just.

15. Plaintiff seeks the maximum award of statutory damages to a sum of not more than \$150,000, because the infringement was committed willfully.

16. Plaintiff seeks a total statutory damages of \$150,000 for each defendant for the willfull infringements of its copyrights.

FURTHER AFFIANT SAYETH NOT.


I, Phillip Bleicher, declare under penalty of perjury under the laws of the United States of America that the foregoing answers to interrogatories are true and correct, pursuant to Title 28, Section 1746.

Executed on August 4, 2015

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